



# Certified Recommendation

Raleigh Planning Commission

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## Case Information: TC-16-17 / NCOD Development Standards

### Comprehensive Plan Guidance

<i>Applicable Policy Statements</i>	<p><b>Policy LU 8.3 Conserving, Enhancing, and Revitalizing Neighborhoods</b> Recognize the importance of balancing the need to increase the housing supply and expand neighborhood commerce with the parallel need to protect neighborhood character, preserve historic resources, and restore the environment.</p> <p><b>Policy LU 8.5 Conservation of Single-Family Neighborhoods</b> Protect and conserve the City's single-family neighborhoods and ensure that their zoning reflects their established low density character. Carefully manage the development of vacant land and the alteration of existing structures in and adjacent to single-family neighborhoods to protect low density character, preserve open space, and maintain neighborhood scale.</p> <p><b>Policy LU 8.12 Infill Compatibility</b> Vacant lots and infill sites within existing neighborhoods should be developed consistently with the design elements of adjacent structures, including height, setbacks, and massing through the use of zoning tools including Neighborhood Conservation Overlay Districts.</p> <p><b>Policy HP 2.5 Conserving Older Neighborhoods</b> Develop plans and programs to conserve older neighborhoods that have a unique scale and identity, but are not yet protected by an overlay district.</p>
<i>Action Items</i>	<p><b>Action HP 2.7 Applying Zoning Regulations and Planning Tools</b> Use Historic Overlay Districts, Neighborhood Conservation Overlay Districts, and other zoning regulations and planning tools in response to neighborhood requests for protection and conservation.</p>

### Summary of Text Change

<i>Summary</i>	Amends the Raleigh Unified Development Ordinance, in Neighborhood Conservation District, to expand the list of items considered for regulation under the applicable development standards and thereby increase the effectiveness of an NCOD's ability to maintain the existing character of a neighborhood.
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## Summary of Impacts

<i>Impacts Identified</i>	<p><u>Adoption of TC-16-17:</u></p> <ol style="list-style-type: none"> <li>1. The adoption of the text change would enhance the ability of –NCOD to preserve the general quality and appearance of a neighborhood.</li> <li>2. Adoption of the text change would add back many NCOD development standards for consideration that were previously allowed under the former Part 10 Development Code.</li> </ol> <p><u>No Action:</u></p> <ol style="list-style-type: none"> <li>1. New –NCODs would not have the full set of development standards allowed for consideration that the current existing –NCODs had and therefore moving forward new neighborhoods considering an –NCOD to not have as complete of an “-NCOD Toolbox” that their predecessors had and would not have the ability to address as many neighborhood concerns..</li> </ol>
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## Public Meetings

<i>Submitted</i>	<i>Committee</i>	<i>Planning Commission</i>
7-25-17	Text Change 8-15-17	

### Attachments

1. Draft Ordinance

## Planning Commission Recommendation

<i>Recommendation</i>	Approval
<i>Findings &amp; Reasons</i>	
<i>Motion and Vote</i>	Motion: Second: Approval:

This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the attached Staff Report.

\_\_\_\_\_  
Planning Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Planning Commission Chairperson

\_\_\_\_\_  
Date

Staff Coordinator: Eric Hodge: [eric.hodge@raleighnc.gov](mailto:eric.hodge@raleighnc.gov)



## Zoning Staff Report – TC-17-17

### North Hills Neighborhood Built Environmental Characteristics and Regulations

#### Request

<i>Section Reference</i>	<b>Raleigh Unified Development Ordinance §5.4.3. Neighborhood Conservation District (-NCOD)</b>
<i>Basic Information</i>	Amends the Part 10A Raleigh Unified Development Ordinance, in Neighborhood Conservation District to reinsert numerous development standards allowed for consideration as part of the neighborhood built environmental characteristics and regulations for a Neighborhood Conservation Overlay District that were previously allowed under the former Part 10 Development Code.
<i>PC Recommendation Deadline</i>	

#### Comprehensive Plan Guidance

<i>Applicable Policies</i>	<p><b>Policy LU 8.3 Conserving, Enhancing, and Revitalizing Neighborhoods</b> Recognize the importance of balancing the need to increase the housing supply and expand neighborhood commerce with the parallel need to protect neighborhood character, preserve historic resources, and restore the environment.</p> <p><b>Policy LU 8.5 Conservation of Single-Family Neighborhoods</b> Protect and conserve the City's single-family neighborhoods and ensure that their zoning reflects their established low density character. Carefully manage the development of vacant land and the alteration of existing structures in and adjacent to single-family neighborhoods to protect low density character, preserve open space, and maintain neighborhood scale.</p> <p><b>Policy LU 8.12 Infill Compatibility</b> Vacant lots and infill sites within existing neighborhoods should be developed consistently with the design elements of adjacent structures, including height, setbacks, and massing through the use of zoning tools including Neighborhood Conservation Overlay Districts.</p> <p><b>Policy HP 2.5 Conserving Older Neighborhoods</b> Develop plans and programs to conserve older neighborhoods that have a unique scale and identity, but are not yet protected by an overlay district.</p>
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<i>Action Items</i>	<b>Action HP 2.7 Applying Zoning Regulations and Planning Tools</b> Use Historic Overlay Districts, Neighborhood Conservation Overlay Districts, and other zoning regulations and planning tools in response to neighborhood requests for protection and conservation.

## Contact Information

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## History/Overview

This text change was initiated, in part, by residents and property owners of the North Hills neighborhood as part of a citizens' petition to City Council in February 2017. The petition formally requested consideration for a neighborhood built environmental characteristics and regulations analysis.. After presenting the results of this analysis to the neighborhood, staff presented the report and the neighborhood meeting discussion to City Council at their meeting on May 16th. Council subsequently authorized this text change noting the neighborhood had requested the inclusion of a minimum lot width to which staff noted the UDO no longer formally included that allowance. This text change would reinsert lot width for consideration as well as restoring most of the former –NCOD development standards allowed for consideration for a neighborhood's built environmental characteristics and regulations that were previously allowed under the former Part 10 Development Code that preceded the current Unified Development Ordinance.

## Purpose and Need

This text change would reinsert lot width for consideration as well as restoring most of the former –NCOD development standards allowed for consideration for a neighborhood's built environmental characteristics and regulations that were previously allowed under the former Part 10 Development Code that preceded the current Unified Development Ordinance. As such, it would expand the list of items considered for regulation under the applicable development standards and therefore increase the effectiveness of an NCOD's ability to maintain the existing character of a neighborhood.

## Alternatives Considered

None

## Scoping of Impacts

Potential adverse impacts of the proposed text change have been identified as follows:

None.

The adverse impacts of taking no action (retaining the existing regulations) have been identified as follows:

New –NCODs would be more restricted in their menu of development standards than the pre-UDO adopted –NCODs were and not be allowed to regulate as many built environmental characteristics and regulations.

## Impacts Summary

### **Adoption of Proposed Text Change**

The adoption of the text change would enhance the ability of a –NCOD to carefully manage the development of vacant land and the alteration of existing structures in and adjacent to residential neighborhoods to protect density, character, preserve open space, and maintain neighborhood scale and that by expanding the list of items considered for regulation under the applicable development standards, it increases the effectiveness of an NCOD’s ability to maintain the existing character of a neighborhood.

### **No action**

New –NCODs would be more restricted in their regulatory authority, in terms of the types of things they can regulate, than those that were adopted pre-UDO.

**ORDINANCE NO. 2017 – xxx TC xxx  
TC-17-17**

**AN ORDINANCE TO AMEND SECTION 5.4.3.E. OF THE  
RALEIGH UNIFIED DEVELOPMENT ORDINANCE TO INSERT ADDITIONAL  
DEVELOPMENT STANDARDS TO BE CONSIDERED AS A PART OF THE  
NEIGHBORHOOD BUILT ENVIRONMENTAL CHARACTERISTICS AND  
REGULATIONS FOR A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT**

**WHEREAS**, the City of Raleigh has determined that additional neighborhood built environmental characteristics and regulations were allowed under the former Part 10 Development Code;

**WHEREAS**, the City of Raleigh has determined it appropriate to reinstate the development standards allowed for consideration as neighborhood Built Environmental Characteristics and Regulations for neighborhood conservation overlay districts to better regulate and protect the character of specified neighborhoods;

**WHEREAS**, the City of Raleigh has determined it appropriate to protect and conserve the City's existing single-family neighborhoods and ensure that their zoning reflects their established low density character;

**WHEREAS**, the City of Raleigh has determined it appropriate to carefully manage the development of vacant land and the alteration of existing structures in and adjacent to single-family neighborhoods to protect low density character, preserve open space, and maintain neighborhood scale and that by expanding the list of items considered for regulation under the applicable development standards, it increases the effectiveness of an NCOD's ability to maintain the existing character of a neighborhood;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:**

**Section 1.** Sec. 5.4.3.E. of the Raleigh Unified Development Ordinance, Development Standards, is hereby amended by insertion of the following underlined provisions:

**E. Development Standards**

Subject to any other applicable ~~NCOD~~ overlay district , the development standards listed below shall apply as stated in this section for the specific adopted ~~NCOD~~.

1. Required minimum net area for any dwelling unit;
2. Maximum residential density;
3. Setbacks;
4. Height; ~~and~~
5. Vehicular surface areas;
6. Minimum lot size

- 7. Lot width;
- 8. Building entrances(where permitted by State Law);
- 9. Building placement on the lot; and
- 10. Distances between buildings;

**Section 2.** All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

**Section 3.** If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

**Section 4.** This text change has been reviewed by the Raleigh City Planning Commission.

**Section 5.** This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

**Section 6.** This ordinance has been provided to the North Carolina Capital Commission as required by law.

**Section 7.** This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty dollar limit in N.C.G.S. §14-4(a) or similar limitations.

**Section 8.** This ordinance is effective 5 days after adoption.

**ADOPTED:**  
**EFFECTIVE:**

**DISTRIBUTION:** Planning – Bowers, Crane, Hodge  
City Attorney –Poole, Hargrove-Bailey  
Department Heads  
Transcription Svcs – Taylor

*Prepared by the Department of City Planning*